IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 840 OF 1999

Shakuntala I. Koli. ... ... Petitioner.
Versus
The Tahsildar & Others.... ... Respondents.

Mr. Nitin Jamdar for the Petitioner.

Mr. P. M.Patil, AGP for Rspondent Nos.1,2 & 5.

CORAM : R. M. LODHA &
NARESH H. PATIL, JJ.

DATED : 25TH JULY, 2006.

P.C. :

Inter alia the contention of the Counsel for the petitioner is that the Caste Scrutiny Committee had no jurisdiction to scrutinize the caste claim of the employees of the private educational institutions. In this regard, he relied upon the Government Resolution dated 11th June, 1998.

2. Mr. P. M. Patil, Assistant Government Pleader, does not dispute that the petitioner is an employee of a private educational institute run by respondent no.3. He concedes that the Caste Scrutiny Committee had no authority, competence, power or jurisdiction to scrutinise the caste claim of the employees of private educational institutions.

3. In the light of the legal position conceded by the Assistant Government Pleader, it has to be held that the impugned order suffers from serious error of jurisdiction and cannot be sustained.

4. We, accordingly, set aside the order dated 24th November, 1998 passed by the Committee for Scrutiny and Verification of Tribe Claims, Pune. Consequently, the order of reversion also has to be set aside and, we order accordingly.

5. However, it is made clear that if the petitioner has been appointed / promoted against the Scheduled Tribes vacancy, she has to have her caste claim verified from the competent forum and the employer is at liberty to refer the petitioner’s caste claim to competent forum and consequent upon such decision, pass appropriate order.

6. No costs.

Sd/-

(R. M. LODHA, J.)

SD/-

(NARESH H. PATIL, J.)